

October 12, 2011

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on October 12, 2011, 10:00 a.m. Present were Commissioners Clark and Kalk. Commissioner Cramer participated by telephone and authorized his administrative assistant to sign contracts and orders on his behalf.

Minutes

Mr. Cramer: I move the minutes of September 16, 20, 29, 2011 be approved.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-731
Montana-Dakota Utilities Co.,
a Division of MDU
Discontinue Prudence Big Stone II
Application

Mr. Cramer: I move the Commission approve rates filed by Montana-Dakota Utilities Co. to recover Big Stone II development costs, Case Nos. PU-09-731 and PU-09-733.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-09-733
Montana-Dakota Utilities Co.,
a Division of MDU
Deferred Accounting - Big Stone II
Application

Case No. PU-10-164
Montana-Dakota Utilities Co.,
a Division of MDU
230kV Transmission Line –
McIntosh, Dickey County
Siting Application

Mr. Cramer: I move the Commission acknowledge the September 27, 2011 staff approval of structure location changes requested on September 22 and 26, 2011 by Montana-Dakota Utilities Co. for its 230 kV electric transmission line to be constructed in McIntosh and Dickey Counties of North Dakota, Case No. PU-10-164.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-641
Curt D. Johnson Auction Company
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Curt D. Johnson Auction Company, Grand Forks, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-642
Tony Langdon
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Tony Langdon, Aubrey, Texas.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-643
Amy L. Nikolaisen
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for Amy L. Nikolaisen, Cando, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-644
Amy L. Nikolaisen
Auction Clerk
License Application

Mr. Cramer: I move the Commission approve the auction clerk license application for Amy L. Nikolaisen, Cando, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AU-11-645
David Leonardi
Auctioneer
License Application

Mr. Cramer: I move the Commission approve the auctioneer license application for David Leonardi, Grand Forks, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-501
Montana-Dakota Utilities Co.,
a Division of MDU
Scott Kueffler - Williams County
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Montana-Dakota Utilities Co. to extend electric service to Scott Kueffler at a location in Williams County, North Dakota, Case No. PU-11-459.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-545
Otter Tail Power Company
Jason Mongeon - McHenry County
Public Convenience & Necessity

Mr. Cramer: I move the Commission adopt the Order and issue a Certificate of Public Convenience and Necessity authorizing Otter Tail Power Company to extend electric service to Jason Mongeon at a location in McHenry County, North Dakota, Case No. PU-11-545.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-569
Montana-Dakota Utilities Co.,
a Division of MDU
Lantz / Armstrong - Stark County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Lantz/Armstrong at a location in Stark County, North Dakota, Case No. PU-11-569.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-618
Otter Tail Power Company
Alton Theede - Richland County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Alton Theede at a location in Richland County, North Dakota, Case No. PU-11-618.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-619
Otter Tail Power Company
Dakota Midland Grain –
McHenry County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Dakota Midland Grain at a location in McHenry County, North Dakota, Case No. PU-11-619.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-622
Otter Tail Power Company
Bryan Marohl - Richland County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Bryan Marohl at a location in Richland County, North Dakota, Case No. PU-11-622.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-11-624
2012 Federal/State Gas Pipeline
Safety
Grants and Contracts

Mr. Cramer: I move the Commission acknowledge the September 27, 2010 electronic submittal of the 2012 Federal/State Gas Pipeline Safety Grant Application in the amount of \$136,120 to the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, D.C. for the operation and management of the 2012 North Dakota intrastate gas pipeline safety program.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-633
Otter Tail Power Company
Zimny Oil Service - Bottineau County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Otter Tail Power Company to extend electric service to Zimny Oil at a location in Bottineau County, North Dakota, Case No. PU-11-633.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-635
Montana-Dakota Utilities Co.,
a Division of MDU
Verizon Wireless - Williams County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Verizon Wireless at a location in Williams County, North Dakota, Case No. PU-11-635.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-636
Montana-Dakota Utilities Co.,
a Division of MDU
Verizon Wireless at Ray –
Williams County
Public Convenience & Necessity

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the application of Montana-Dakota Utilities Co. to extend electric service to Verizon Wireless Ray at a location in Williams County, North Dakota, Case No. PU-11-636.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-657
Northern States Power Company
2011 Electric Rate Increase
Application

Mr. Cramer: Believing that there will be no prejudice to the rights of the parties or the public interest, and finding the cases involve similar questions of law and fact, I move the Commission consolidate for hearing Northern States Power Company's Customer Credit - DOE Settlement, Application, Case No. PU-11-557 with Northern States Power Company, 2011 Electric Rate Increase, Application, Case No. PU-10-657, and Northern States Power Company, 2012 Electric Rate Increase, Application, Case No. PU-11-55, under North Dakota Administrative Code section 69-02-04-04. For purposes of this motion, consolidation has the meaning stated in the Hearing Officer's May 27, 2011, order in Case No. PU-10-657 and Case No. PU-11-55.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-11-236
Reclamation
Rulemaking

Mr. Cramer: I move the Commission adopt the Order in Case No. RC-11-236, submitting the proposed rule amending North Dakota Administrative Code Section 69-05.2-12-04 to the Attorney General for an opinion as to legality.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-567
Whiting Oil and Gas Corporation /
Plains Pipeline
Transfer of Site Certificate
Siting Application

Mr. Cramer: I move the Commission issue a Notice of Opportunity for Hearing in the joint application of Whiting Oil and Gas Corporation and Plains Pipeline, L.P. to transfer Certificate of Corridor Compatibility No. 109 and Route Permit No. 119 to Plains Pipeline, L.P., Case No. PU-11-567.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-11-69
Meadowlark Wind I, LLC
New Frontier Wind Energy Project -
McHenry County
Siting Application

Mr. Clark: I move the Commission deem the application complete, conditioned on receiving final turbine locations at least one week prior to hearing, and issue a Notice of Filing and Notice of Hearing in the application of Meadowlark Wind I, LLC for a certificate of site compatibility to authorize construction of a proposed 102 MW wind energy conversion facility in McHenry County, North Dakota, Case No. PU-11-69.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-11-162
Allete, Inc.
Bison 3 Wind Project –
Oliver - Morton Counties
Siting Application

Mr. Clark: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order issuing Certificate of Site Compatibility for Energy Conversion Facility No. 25 to Minnesota Power, an operating division of ALLETE, Inc., to construct a proposed 105 MW Bison 3 Wind Project in Morton and Oliver Counties of North Dakota, Case No. PU-11-162.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-11-561
Oliver Wind III, LLC
48 MW Wind Energy Center –
Morton County
Siting Application

Mr. Clark: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and a siting application to thirty days, and assess a filing fee of \$40,500 due upon filing an application in Case No. PU-11-561, Oliver Wind III, LLC's proposed 48 MW wind energy conversion facility in Morton County, North Dakota.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-11-620
Allete, Inc.
230 kV Transmission Line Extension -
Oliver County
Siting Application

Mr. Clark: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and siting application to thirty days and assess a filing fee of \$50,000 due upon filing of an application in Case No. PU-11-620, Minnesota Power's proposed 230 kV Transmission Line and associated facilities in Mercer, Morton and Oliver Counties of North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-631
Montana-Dakota Utilities Co.,
a Division of MDU
88 MW Simple Cycle Combustion
Turbine
Siting Application

Mr. Clark: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and siting application to sixty days and assess a filing fee of \$28,300 due upon filing of an application in Case No. PU-11-631, Montana-Dakota Utilities Co.'s proposed 88 MW Simple Cycle Combustion Turbine in Morton County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-646
Wilton Wind IV, LLC
99 MW Wind Energy Center –
Burleigh County
Siting Application

Mr. Clark: I move the Commission acknowledge the Letter of Intent, shorten the one-year waiting period between filing a letter of intent and siting application to fifteen days and assess a filing fee of \$82,500 due upon filing of an application in Case No. PU-11-646, Wilton Wind IV, LLC's proposed 99 MW Wind Energy Center in Burleigh County, North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-11-497
2011 Maintenance
Project

Mr. Cramer: I move the Commission execute a contract with Basaraba's Excavating and Dirt Works L.L.C., in the amount of \$170,000 for filling underground mine sinkholes at numerous locations in western North Dakota.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-574
Standing Rock Telecommunications,
Inc.
ETC Designated Service Area
Application

Mr. Kalk: I move the Commission bill Standing Rock Telecommunications, Inc. for costs incurred to date in Case No. PU-10-574, Standing Rock Telecommunications, Inc., ETC Designated Service Area, Application, Case No. PU-10-574.

Mr. Clark: I second the motion.

Roll Call: All voting "Aye."

Case No. AM-10-37
Buechler/Velva
2010 Construction
Project

Mr. Kalk: I move the Commission convene an executive session for attorney consultation in Case No. AM-10-37, Buechler/Velva 2010 Construction Project.

Mr. Clark: I second the motion.

Roll Call: Clark "Aye."

Kalk "Aye."

The Public Service Commission recessed the administrative matters meeting at 11:25 a.m. and reconvened the administrative matters meeting at 11:40 a.m.

ATTEST

THE COMMISSION ADJOURNED AT 11:41 A.M.

Executive Secretary

TONY CLARK, CHAIRMAN